

28. The method of claim 27 wherein the mammal is a human.
29. The method of claim 27 further comprising inducing hypothermia in the human.

#### **REMARKS**

Applicants appreciate the indication of allowable subject matter, i.e. that claims 15-18 would be allowable if rewritten in independent form.

Claim 15 has been cancelled without prejudice, claims 1, 16 and 17 have been amended, and claims 19-29 have been added. No new matter has been added virtue of the amendments and new claims. For instance, support for the amendments and new claims appears at page 8, lines 4-7; page 11, lines 6-7; and the original claims of the application.

Claims 1-3, 9-11, 13 and 14 were rejected under 35 U.S.C. 102 over Keana et al. (U.S. Patent 5,385,946).

Claims 1-3, 9-11, 13 and 14 were rejected under 35 U.S.C. 102 over Bhatta et al. (U.S. Patent 5,462,753).

Claims 1, 2, 7, 9-11, 13 and 14 were rejected under 35 U.S.C. 102 over Benson et al. (WO 200076495).

For the sake of brevity, the three rejections are addressed in combination. Each rejection alleges that the cited disclosure would inherently provide the claimed subject matter. Each rejection is traversed.

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Claim 1 has been amended to incorporate language of claim 15, which claim was indicated to be allowable.

New claims 19 through 28 include the language of "selecting a mammal for treatment of a prion disease that is suffering from or susceptible to a prion disease". Such selecting is not disclosed in any of the cited documents.

In view thereof, reconsideration and withdrawal of the rejections are requested. See *In re Marshall*, 198 USPQ at 346 ("[r]ejections under 35 USC 102 are proper only when the claimed subject matter is identically disclosed or described in the prior art.").

It is believed the application is in condition for immediate allowance, which action is earnestly solicited.

Respectfully submitted,



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**MARKED VERSION TO SHOW CHANGES**

1. (amended) A method of treating a prion disease in a mammal, comprising administering a prion protein denaturing effective agent to the mammal and inducing hyperthermia in the mammal.

16. (amended) The method according to claim 1 [15], wherein said hyperthermia is produced through applying microwave energy.

17. (amended) The method according to claim 1 [15], wherein said hyperthermia is induced by administering pyrogenic material to the mammal.